

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. In September 1999, the petitioner's Reach Up worker scheduled a meeting with the petitioner to discuss the petitioner's participation requirement in Reach Up. Because the petitioner's younger child was under eighteen months of age at that time the petitioner was not required to meet the

program "work requirement", but she was required to otherwise participate in Reach Up activities, including attending scheduled meetings with her Reach Up worker.

3. Following the petitioner's failure to attend a scheduled meeting on September 28, 1999, her Reach Up worker began the "conciliation process" (see infra). The petitioner attended a conciliation meeting on October 21, 1999, but failed to attend subsequent meetings on December 29, 1999 and January 10, 2000, and did not call in advance to reschedule.

4. Following the petitioner's failure to attend the January 10 meeting, the petitioner's Reach Up worker notified the petitioner's ANFC worker that her ANFC grant should be sanctioned "until compliance by recipient". The Department concedes that this was the first time the petitioner had been subject to sanctions.

5. Upon receipt of her notice of this adverse action the petitioner filed the instant appeal, and a hearing in the matter was held on April 12, 2000.

6. At the hearing the petitioner did not dispute that she had missed the meetings in question and had not called in advance to notify Reach Up of her nonattendance. She maintained, however, that she lived on an isolated dirt road with no car and no phone and was unable either to make

transportation arrangements or call the Department on the days of the meetings. She also maintained that she was under strict probation conditions from the Department of Corrections that limited her ability to travel.

7. At the hearing the petitioner represented to the hearing officer and the Department that she was willing to comply with all aspects of the Reach Up program. Because of this, the Department agreed to continue the matter for one month to allow the petitioner to participate in Reach Up and to purge any pending sanctions without them actually going into effect if she did so successfully.

8. Another hearing was scheduled in the matter for May 31, 2000. The petitioner appeared late for that hearing, but the Department agreed to allow the petitioner to meet with her Reach Up worker that day and to continue the hearing to see if the petitioner would continue to comply with Reach Up.

9. A hearing was held on June 28, 2000. At that hearing it was not clear that the petitioner's Reach Up counselor had understood the terms of the Department's agreement on April 12. He testified that he had not scheduled any meetings with the petitioner after April 12 but that he had met with her on May 31 when the first continued hearing was scheduled. He stated that the petitioner told him she was participating in a

substance abuse program through the Department of Corrections and that she had enrolled in a GED course. The worker testified that he did not schedule any further meetings with the petitioner until the June 28 hearing. He also stated that the petitioner has continued to be exempt from the Reach Up work requirements (but not other aspects of the program) until July 2000 because her younger child will not reach eighteen months of age until then.

10. At the hearing the petitioner testified that she had found child care on her own after being told that she did not qualify for it through Reach Up, and that she had looked for work although she was not required to do so by Reach Up. She stated that she was participating in a work program through the Department of Corrections one day a week for eight hours and that she had successfully completed a residential substance abuse treatment program that had run from April 22 through May 11, 2000. She also stated that she was scheduled to start a GED course on July 3, 2000.

11. Based on the testimony of the petitioner and her Reach Up worker it is found that there is no mandatory aspect of the Reach Up program with which the petitioner has failed to comply since April 12, 2000.

ORDER

The Department's decision is reversed in that the petitioner has met the requirements for ending any sanctions that may have been imposed after April 12, 2000.

REASONS

As noted above, at the April 12, 2000 hearing the Department agreed to continue the matter for one month to allow the petitioner to participate in Reach Up and, by so doing, to purge herself of any sanction that might be imposed as a result her alleged previous noncompliance. Assuming that the petitioner was in violation of the Reach Up requirements as of the date of her hearing on April 12, 2000, and that sanctions could have been imposed at that time (see WAM §§ 2344.2B, 2350.3, 2351.1, and 2351.2), there has been no showing or allegation by the Department that the petitioner has failed to cooperate with any requirements imposed on her since that time.

WAM § 2351.1 provides that the sanction for a recipient who fails without good cause to participate in the Reach Up program is to have that recipient's needs removed from his or her ANFC grant. The same regulation provides that the length of the sanction for the first occurrence of a finding of

nonparticipation is "until he/she complies". This is consistent with the notice the Department sent to the petitioner in January 2000.

As noted above, although there appears to have been some confusion on the part of the Reach Up worker as to the terms of the petitioner's and the Department's agreement on April 12, 2000, there is no evidence that the petitioner failed to cooperate in any way with Reach Up after that date. Therefore, it must be concluded that she was in compliance with the program and that she has successfully purged any sanction that could have gone into effect as of that date. For this reason, the Department's decision is reversed.

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